

Letters

Hillenkoetter's Lawful Resort to Covert Action

To the Editor:

I have recently been shown your obituary article on Vice Admiral Roscoe H. Hillenkoetter (June 22), which contains a seriously misleading statement.

The article says that after the admiral became Director of Central Intelligence in 1947, his counsel rendered an opinion that there was no legal authority for the Central Intelligence Agency to carry out "covert activities" but that nevertheless the Director proceeded to do so.

I was general counsel at the time, and when the admiral requested my opinion, I first stated that in our governing legislation, the National Security Act of 1947, I could find no specific statutory language authorizing the conduct of covert operations, as opposed to intelligence activities.

The Director then asked me if there were other considerations, and I wrote an opinion that if the President, with his constitutional responsibilities for the conduct of foreign affairs, gave the agency appropriate instructions and if Congress gave it the funds to carry them out, the

agency had the legal capability of carrying out the covert actions involved.

The National Security Council, of which the President is chairman, then promulgated the required directives, and Congress appropriated the funds to carry them out.

Admiral Hillenkoetter never ignored or tried to influence any of my legal opinions, nor would he knowingly have acted contrary to law.

LAWRENCE R. HOUSTON
Washington, July 9, 1982